



6-14-06

3pw 1634

Express Mail Label No. EV 736121340 US  
Atty. Docket no. 3302

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	DREWES ET AL.	)
SERIAL NO.:	08/950,963	) ART UNIT: 1634
FILED:	OCTOBER 15, 1997	) EXAMINER: B.J. FORMAN
FOR:	METHODS AND DEVICES FOR MASS TRANSPORT ASSISTED OPTICAL ASSAYS	) CONF. NO.: 9997 )

**TRANSMITTAL LETTER**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In regard to the referenced application, enclosed are a Statement under 37 CFR § 3.73(b) and Power of Attorney and Correspondence Address Indication Form.

It is believed that no fee is due with this submission. If this is in error, please charge any fee to Deposit Account No. 19-5117.

Respectfully submitted,

*Margaret M. Wall*

Margaret M. Wall, #33,462  
Swanson & Bratschun, LLC  
1745 Shea Center Drive #330  
Highlands Ranch, CO 80129  
303-268-0066

June 13, 2006  
Date



**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	08/950,963
Filing Date	OCTOBER 15, 1997
First Named Inventor	DREWES, ET AL.
Title	METHODS AND DEVICES FOR MASS TRANSPORT ASSISTED OPTICAL ASSAYS
Art Unit	1634
Examiner Name	B.J. FORMAN
Attorney Docket Number	074022-3302

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

Practitioners associated with the Customer Number:

25871

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Fax		

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	5-30-06
Name	David A. Yost, Ph.D.	Telephone	303-530-6622
Title and Company	Vice President, Research & Development - Inverness Medical-Biostar Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JUN 13 2006

Packet No. 074022-3302

PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: INVERNESS MEDICAL-BIOSTAR, INC.

Application No./Patent No.: 08/950,963 Filed/Issue Date: OCTOBER 15, 1997

Entitled: METHODS AND DEVICES FOR MASS TRANSPORT ASSISTED OPTICAL ASSAYS

INVERNESS MEDICAL-BIOSTAR, INC., a CORPORATION  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: J. Drewes et al. To: Biostar, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 9077, Frame 0497, or for which a copy thereof is attached.

2. From: Biostar, Inc. To: Thermo Biostar, Inc.

The document was recorded in the United States Patent and Trademark Office at Reel 012189, Frame 0506, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

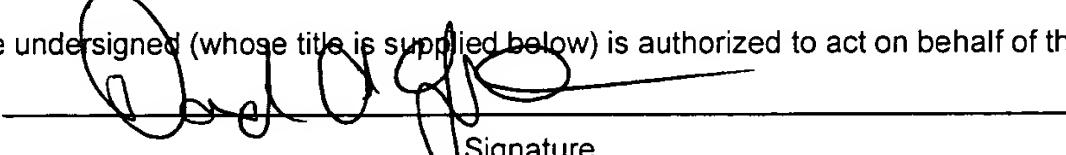
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

5-30-06

Date

David A. Yost, Ph.D.

303-530-6622

Printed or Typed Name

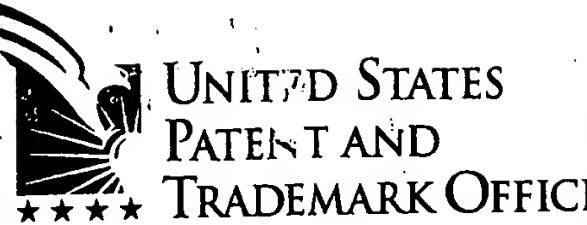
Telephone Number

Vice President, Research & Development - Inverness Medical-Biostar, Inc.

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE



NOVEMBER 28, 2001

PTAS

FOLEY & LARDNER  
MICHAEL A. WHITTAKER  
402 W. BROADWAY, 23RD FLOOR  
SAN DIEGO, CA 92107

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DEC - 5 2001

I.P. DEPT.

FOLEY & LARDNER

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231

[www.uspto.gov](http://www.uspto.gov)



\*101857073A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF  
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS  
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER  
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE  
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA  
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD  
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY  
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.  
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,  
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,  
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/24/2001

REEL/FRAME: 012189/0506  
NUMBER OF PAGES: 4

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
BIOSTAR, INC.

DOC DATE: 10/27/2000

ASSIGNEE:  
THERMO BIORSTAR INC.  
6655 LOOKOUT RD.  
BOULDER, COLORADO 80301

SERIAL NUMBER: 09737635  
PATENT NUMBER:

FILING DATE: 12/14/2000  
ISSUE DATE:

SERIAL NUMBER: 08619961  
PATENT NUMBER:

FILING DATE: 03/20/1996  
ISSUE DATE:

SERIAL NUMBER: 09425072  
PATENT NUMBER:

FILING DATE: 10/21/1999  
ISSUE DATE:

SERIAL NUMBER: 09272641  
PATENT NUMBER: 6287783

FILING DATE: 03/18/1999  
ISSUE DATE: 09/11/2001

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*hr*  
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012189/0506 PAGE 2

SERIAL NUMBER: 09632343  
PATENT NUMBER:

FILING DATE: 08/03/2000  
ISSUE DATE:

SERIAL NUMBER: 08950963  
PATENT NUMBER:

FILING DATE: 10/15/1997  
ISSUE DATE:

SERIAL NUMBER: 09375518  
PATENT NUMBER:

FILING DATE: 08/17/1999  
ISSUE DATE:

SERIAL NUMBER: 09223066  
PATENT NUMBER:

FILING DATE: 12/29/1998  
ISSUE DATE:

SERIAL NUMBER: 09633036  
PATENT NUMBER:

FILING DATE: 08/04/2000  
ISSUE DATE:

SAUNDRA BALLENGER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

09-27-2001

R



101857073

1 SHEET

9.7401

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.

## 1. Name of conveying party(ies):

Biostar, Inc.  
6655 Lookout Road  
Boulder, CO 80301



## 2. Name and address of receiving party(ies):

THERMO BIOSTAR INC.  
6655 Lookout Rd.  
Boulder, CO 80301

Additional conveying party(ies) NO

## 3. Nature of conveyance:

CHANGE OF NAME

Execution Date:

October 27, 2000

Additional name(s) &amp; address(es) attached? NO

## 4. Application number(s) or patent number(s):

If this is being filed together with a new application, the execution date of the application is:

## A. Patent Application Number(s):

— 09/737,635  
08/619,961

## B. Patent Number(s):

Additional numbers attached? YES

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Michael A. Whittaker  
FOLEY & LARDNER  
402 W. Broadway, 23<sup>rd</sup> Floor  
San Diego, CA 92107

6. Total number of applications/patents involved: 9

7. Total fee (37 C.F.R. § 3.41): \$360.00

 Check Enclosed

Charge to deposit account

8. Deposit account number: 50-0872

09/26/2001 TDIAZ1 00000193 09737635

DO NOT USE THIS SPACE

01 FC:581 360.00 0P

## 9. Statement and signature:

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.*

Michael A. Whittaker,  
Registration No. 46230

9/19/01

Name of person signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 4

Continuation of Part 4

A. Patent Application Number(s):

09/425,072  
09/272,641  
09/632,343  
08/950,963  
09/375,518  
09/223,066  
09/633,036

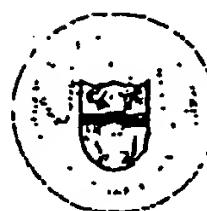
Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BIOSTAR, INC.", CHANGING ITS NAME FROM "BIOSTAR, INC." TO "THERMO BIOSTAR INC.", FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF OCTOBER, A.D. 2000, AT 10:30 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

2948192 8100

001542149



*Edward J. Freel*  
Edward J. Freel, Secretary of State  
AUTHENTICATION: 0762215

DATE: 10-30-00



CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION

\* \* \* \* \*

BioStar, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

**FIRST:** That the Board of Directors of said corporation, by the unanimous written consent of its members, filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

**RESOLVED**, that the Certificate of Incorporation of BioStar, Inc. be amended by changing the First Article thereof so that, as amended, said Article shall be and read as follows:

1. The name of corporation is: "Thenno BioStar Inc.".

**SECOND:** That in lieu of a meeting and vote of stockholders, the stockholders have given unanimous written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

**THIRD:** That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said BioStar, Inc. has caused this certificate to be signed by Sandra L. Lambert, its Secretary, this 26<sup>th</sup> day of October, 2000.

BioStar, Inc.

By Sandra L. Lambert  
Sandra L. Lambert, Secretary

JUNE 02, 1998



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

LYON & LYON LLP  
RICHARD J. WARBURG  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071-2066

PTAS



\*100680348A\*

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ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,  
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/23/1998

REEL/FRAME: 9077/0497  
NUMBER OF PAGES: 13

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DREWES, JOEL A.

DOC DATE: 03/10/1998

ASSIGNOR:

BOGART, GREGORY R.

DOC DATE: 02/16/1998

ASSIGNOR:

ETTER, JEFFREY B.

DOC DATE: 02/24/1998

ASSIGNOR:

STEAFFENS, JEFFREY W.

DOC DATE: 02/16/1998

ASSIGNOR:

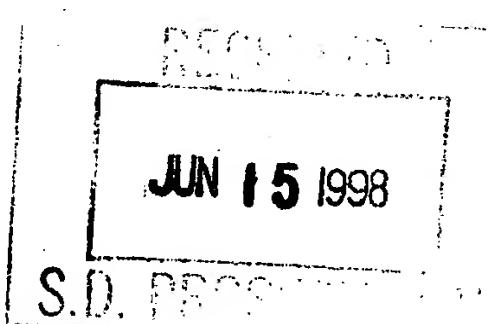
OSTROFF, RACHEL M.

DOC DATE: 02/16/1998

ASSIGNOR:

CROSBY, MARK

DOC DATE: 02/16/1998



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JUN 08 1998

U.S. PROSECUTION

ASSIGNEE:  
BIOSTAR, INC.  
6655 LOOKOUT ROAD  
BOULDER, COLORADO 80301

SERIAL NUMBER: 08950963  
PATENT NUMBER:

FILING DATE: 10/15/1997  
ISSUE DATE:

JACQUELINE MOORE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Tab settings

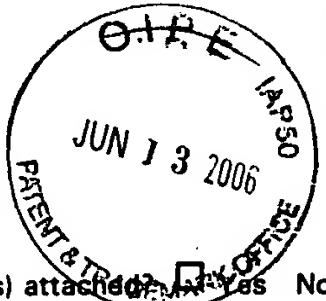
To the Honorable Commissioner

100680348

1. Name of conveying party(ies):

Joel A. Drewes  
Gregory R. Bogart  
Jeffrey B. Etter  
Jeffrey W. Steaffens  
Rachel M. Ostroff  
Mark Crosby

Additional name(s) of conveying party(ies) attached?  Yes  No



3. Nature of conveyance:

Assignment

Execution Date: 16 February 1998, 24 February 1998,  
and 10 March 1998

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

08/950,963

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard J. Warburg

LYON & LYON LLP

Street Address: 633 West Fifth Street

Suite 4700

City: Los Angeles State: CA Zip: 90071-2066

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41).....\$40.00

Enclosed

Authorized to be charged to Deposit Account

8. Deposit account number:

12-2475

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Richard J. Warburg  
Name of Person Signing

Signature

Total number of pages including cover sheet, attachments, and document: 13

3/19/98  
Date

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

## ASSIGNMENT

For valuable consideration, we, Joel A. Drewes of Woodbridge, Virginia, Gregory R. Bogart of Raritan, New Jersey, Jeffrey B. Etter of Boulder, Colorado, Jeffrey W. Steaffens of Lafayette, Colorado, Rachel M. Ostroff of Westminster, Colorado, and Mark Crosby of Boulder Colorado assign to BIOSTAR, INC. a Delaware corporation having a place of business at 6655 Lookout Road, Boulder, Colorado and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the invention and improvements which are the subject of an application for United States Patent entitled **METHODS AND DEVICES FOR MASS TRANSPORT ASSISTED OPTICAL ASSAYS** filed on October 15, 1997, U.S. Serial No. 08/950.963 this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and we agree for ourselves and our heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

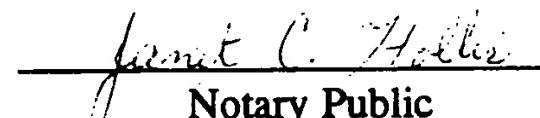
IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_, this 10<sup>th</sup> day of March, 1998

  
\_\_\_\_\_  
Joel A. Drewes

State of Virginia :  
ss.

County of Alexandria :  
City

Before me this 10<sup>th</sup> day of March, 1998, personally appeared Joel A. Drewes known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

  
\_\_\_\_\_  
Janice C. Hallie  
Notary Public  
My commission expires:  
August 31, 1999

[NOTARY'S SEAL HERE]

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 1998

\_\_\_\_\_  
Gregory R. Bogart

State of \_\_\_\_\_ :  
ss.

County of \_\_\_\_\_ :  
\_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 1998, personally appeared Gregory R. Bogart known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

\_\_\_\_\_  
Notary Public  
My commission expires:

[NOTARY'S SEAL HERE]

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 1998

---

Joel A. Drewes

State of \_\_\_\_\_ :  
ss.  
County of \_\_\_\_\_ :

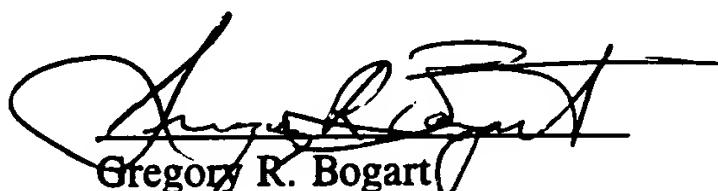
Before me this \_\_\_\_ day of \_\_\_\_\_, 1998, personally appeared Joel A. Drewes known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

---

Notary Public  
My commission expires:

[NOTARY'S SEAL HERE]

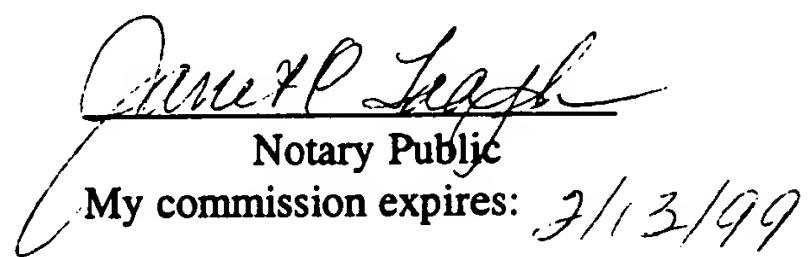
IN WITNESS WHEREOF, I hereto set my hand and seal at Boulder, Colorado, this 16th day of February, 1998



Gregory R. Bogart

State of Colorado :  
ss.  
County of Boulder :

Before me this 16th day of February, 1998, personally appeared Gregory R. Bogart known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.



Diane P. Teaph  
Notary Public  
My commission expires: 3/13/99

[NOTARY'S SEAL HERE]

IN WITNESS WHEREOF, I hereto set my hand and seal at Boulder, Colorado, this 24th day of February, 1998

J. B. Etter  
Jeffrey B. Etter

State of Colorado :  
ss.

County of Boulder :

Before me this 24th day of February, 1998, personally appeared Jeffrey B. Etter known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Daniel C. Taylor  
Notary Public  
My commission expires: 2/3/99

[NOTARY'S SEAL HERE]

IN WITNESS WHEREOF, I hereto set my hand and seal at Boulder, Colorado, this 16th day of February, 1998

J. W. Steffens  
Jeffrey W. Steaffens

State of Colorado :  
ss.

County of Boulder :

Before me this 16th day of February, 1998, personally appeared Jeffrey W. Steaffens known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Daniel C. Taylor  
Notary Public  
My commission expires: 2/3/99

[NOTARY'S SEAL HERE]

IN WITNESS WHEREOF, I hereto set my hand and seal at Boulder, Colorado,  
this 16th day of February, 1998

State of Colorado :

ss.

County of Boulder :

Before me this 16th day of February 1998, personally appeared Rachel M. Ostroff known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that she executed the same as her free act and deed for the purposes therein contained.

[NOTARY'S SEAL HERE]

Rachel M. Ostroff  
Rachel M. Ostroff

Janet C. Jaeger  
Notary Public  
My commission expires: 2/13/99

IN WITNESS WHEREOF, I hereto set my hand and seal at Boulder, Colorado,  
this 16th day of February, 1998

State of Colorado :

ss.

County of Boulder :

Before me this 16th day of February, 1998, personally appeared Mark Crosby known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[NOTARY'S SEAL HERE]

Mark G. Crosby  
Mark Crosby

Janet C. Jaeger  
Notary Public  
My commission expires: 2/13/99

## ATTESTATION

I, Margaret M. Wall, hereby certify that I made the attached photocopy of the Certified Copy of the Certificate of Amendment of the Certificate of Incorporation of "Thermo Biostar Inc." from the original copy of said certified copy and that the attached photocopy is a true copy of the original.

Margaret M. Wall  
Margaret M. Wall

State of Colorado )  
 ) ss.  
County of Douglas )

This attestation was acknowledged before me this 16 day of May, 2006 by  
Margaret M. Wall.

Witness my hand and official seal.

By:

A circular notary seal for Tasha L. Pierce, Notary Public, State of Colorado. The seal features a decorative rope-like border. Inside the border, the text "TASHA L. PIERCE" is written at the top, "NOTARY" is in the middle, and "PUB. NOTARY" is at the bottom. The entire seal is placed over a handwritten signature of "Tasha L. Pierce" and the text "Notary Public".

My Commission Expires 05/23/2006

# Delaware

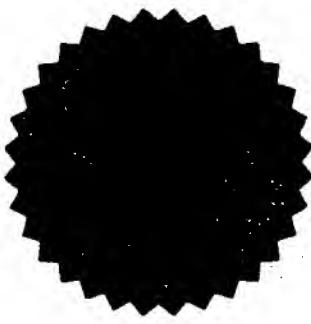
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*The First State*

**I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF AMENDMENT OF "THERMO BIOSTAR INC.",  
CHANGING ITS NAME FROM "THERMO BIOSTAR INC." TO "INVERNESS  
MEDICAL - BIOSTAR INC.", FILED IN THIS OFFICE ON THE THIRD DAY  
OF OCTOBER, A.D. 2005, AT 9:03 O'CLOCK A.M.**

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*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

**AUTHENTICATION: 4707079**

**DATE: 04-28-06**

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF THERMO BIOSTAR INC.

Thermo BioStar Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), DOES HEREBY CERTIFY:

**FIRST:** That the Board of Directors of the Corporation, by the unanimous written consent of its members dated September 30, 2005, duly adopted resolutions in accordance with Section 141(f) of the General Corporation Law of the State of Delaware, (i) proposing amendment to the Certificate of Incorporation of the Corporation, (ii) declaring such amendment to be advisable and in the best interest of the Corporation, and (iii) directing that such amendment be submitted to the stockholder of the Corporation for its consideration and approval, as follows:

**RESOLVED:** That the Board of Directors recommends and deems it advisable that the Certificate of Incorporation of the Corporation be amended by deleting Article FIRST thereof in its entirety and substituting for said Article FIRST a new Article FIRST as follows:

"**FIRST:** The name of the Corporation shall be "Inverness Medical - BioStar Inc."

**RESOLVED:** That the aforesaid proposed amendment be submitted to the stockholder of the Corporation for its consideration and approval; and

**RESOLVED:** That following the approval by the stockholder of the aforesaid amendment as required by law, the officers of the Corporation be, and they hereby are, and each of them hereby is, authorized (i) to prepare, execute and file with the Secretary of State of the State of Delaware a Certificate of Amendment setting forth the aforesaid amendment in the form approved by the stockholder, and (ii) to take any and all other actions necessary, desirable or convenient to give effect to the aforesaid amendment or otherwise to carry out the purposes of the foregoing Resolutions.

**SECOND:** That thereafter, the stockholder of the Corporation has given written consent to said amendment in accordance with Section 228 of the General Corporation Law of the State of Delaware.

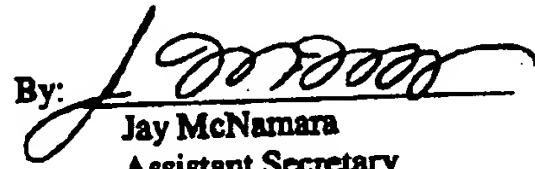
**THIRD:** That the aforesaid amendment was duly adopted in accordance with Section 242 of the General Corporation Law of the State of Delaware.

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IN WITNESS WHEREOF, Thermo BioStar Inc. caused this Certificate of Amendment to  
be signed by Jay McNamara, its Assistant Secretary, this 30<sup>th</sup> day of September, 2005.

THERMO BIOSTAR INC.

By:



Jay McNamara  
Assistant Secretary